

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**REBECCA ANN MORGAN**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO.: 3:20-cv-109-GDH-JMV**

**DEBRA GILLEY, DAVID BURKE, AND  
LORRIE BOWEN**

**DEFENDANTS**

**MOTION TO DISMISS**

COMES NOW the United States of America, by and through the United States Attorney's Office for the Northern District of Mississippi, and files its Motion to Dismiss pursuant to Rules 12 and 15 of the Federal Rules of Civil Procedure, as follows:

I.

Plaintiff filed her lawsuit in an improper venue. The proper venue for these purported claims is the Southern Division of the United States District Court for the Southern District of Mississippi.

II.

Plaintiff improperly filed her lawsuit against individual employees of the U.S. Department of Veterans Affairs' Blind Rehabilitation Center in Biloxi, Mississippi. This lawsuit cannot be pursued against the named individual defendants. In the alternative, plaintiff failed to properly perfect service of process on the named individual defendants pursuant to Fed. R. Civ. P. 4(i)

III.

Plaintiff failed to name the proper defendant, Secretary of the U.S. Department of Veterans Affairs, and failed to perfect service of process on said defendant.

IV.

The time to amend this civil action to include the proper Defendant has expired.

V.

Plaintiff's Americans with Disability Act claim must be dismissed, because the Act does not apply to federal employees.

WHEREFORE, PREMISES CONSIDERED, the United States of America prays that the Court enter an Order dismissing the Complaint and Amended Complaint filed herein against defendants with prejudice.


Respectfully Submitted,

WILLIAM C. LAMAR  
United States Attorney

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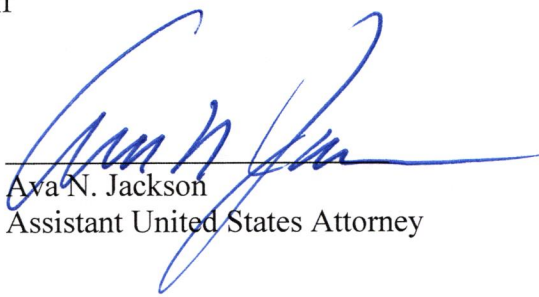
  
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**CERTIFICATE OF SERVICE**

I, Ava N. Jackson, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I electronically filed with the Clerk of the Court using ECF system and forwarded by Certified Mail, Signature Confirmation, this the Motion to Dismiss by Defendants in this matter to:

Ms. Rebecca Ann Morgan  
15 Rubin Drive  
Oxford, MS 38655  
*Pro Se* Plaintiff

This the day of 16<sup>th</sup> day of June 2020.

  
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Ava N. Jackson  
Assistant United States Attorney